

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 652

Introduced by Christensen, 44.

Read first time January 21, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to
2 amend sections 86-442, 86-443, 86-461, 86-462, 86-464,
3 86-465, and 86-466, Reissue Revised Statutes of Nebraska;
4 to change the membership and duties of the Enhanced
5 Wireless 911 Advisory Board; to change provisions
6 relating to service agreements and compensation of costs;
7 to change duties of the Public Service Commission; to
8 define terms; to harmonize provisions; and to repeal the
9 original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-442, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 86-442 Sections 86-442 to 86-470 and sections 3 to 7 of
4 this act shall be known and may be cited as the Enhanced Wireless
5 911 Services Act.

6 Sec. 2. Section 86-443, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 86-443 For purposes of the Enhanced Wireless 911 Services
9 Act, the definitions found in sections 86-444 to 86-456.01 and
10 sections 3 to 7 of this act apply.

11 Sec. 3. Phase I E-911 service means a telephone
12 exchange communications service with a wireless automatic location
13 identification feature by which information is provided to a public
14 safety answering point identifying the telephone number of the
15 originator of a wireless 911 call and the location of the cellular
16 site or base station transmitting the call.

17 Sec. 4. Phase II E-911 service means a telephone
18 exchange communications service with a wireless automatic location
19 identification feature by which information is provided to a public
20 safety answering point identifying the information provided by
21 Phase I E-911 service and the latitude and longitude of the caller.

22 Sec. 5. Tier I wireless carrier means a wireless carrier
23 that has more than two and one-half million subscribers.

24 Sec. 6. Tier II wireless carrier means a wireless carrier
25 that has five hundred thousand or more and less than or equal to

1 two and one-half million subscribers.

2 Sec. 7. Tier III wireless carrier means a wireless
3 carrier that has at least one subscriber but less than five hundred
4 thousand subscribers.

5 Sec. 8. Section 86-461, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 86-461 (1) The Enhanced Wireless 911 Advisory Board is
8 created to advise the commission concerning the implementation,
9 development, administration, coordination, evaluation, and
10 maintenance of enhanced wireless 911 service. The advisory board
11 shall be composed of ~~nine~~ the following individuals appointed by
12 the Governor: 7 including:

13 ~~(a) One sheriff;~~

14 ~~(b) (a) Two county officials or employees, one of whom is~~
15 a sheriff;

16 ~~(c) (b) Two municipal officials or employees, at least~~
17 one of whom represents a city of the first or second class;

18 ~~(d) One representative (c) Two representatives~~ from the
19 state's wireless telecommunications industry, one of whom is a
20 representative of a Tier I or Tier II wireless carrier and one of
21 whom is a representative of a Tier III wireless carrier;

22 ~~(e) (d) One manager of a public safety answering point~~
23 not employed by a sheriff;

24 ~~(f) (e) One representative of the state's local exchange~~
25 telecommunications service industry; from a provider of basic local

1 exchange service that directly provides E-911 service through a
 2 selective router; and

3 ~~(g)~~ (f) One member of the public representative from a
 4 vendor that provides E-911 related services, the costs of which are
 5 eligible for funding pursuant to section 86-465, who shall serve as
 6 a technical advisor.

7 (2) The advisory board shall also include two ex officio
 8 members:

9 (a) One commissioner from the Public Service Commission
 10 or his or her designee; and

11 (b) The Chief Information Officer or his or her designee.

12 (3) ~~Members~~ Beginning on the effective date of this act,
 13 members of the board as described in subdivisions (1)(a) through
 14 ~~(1)(g)~~ (1)(d) of this section shall be appointed for a term
 15 of ~~three~~ two years and shall only serve for one term before a
 16 successor is appointed. ~~Each succeeding member~~ The other members
 17 of the board shall be appointed for a term ~~of three years.~~ of two
 18 years and may serve no more than three successive two-year terms.

19 The board shall meet as often as necessary to carry out its duties.
 20 Members of the board shall be reimbursed for their actual and
 21 necessary expenses as provided in sections 81-1174 to 81-1177.

22 Sec. 9. Section 86-462, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 86-462 (1) The advisory board shall make recommendations
 25 to the commission regarding the implementation of the Enhanced

1 Wireless 911 Services Act, including:

2 ~~(a) The allocation of funds from the Enhanced Wireless~~
 3 ~~911 Fund as specified in section 86-465;~~

4 ~~(b)~~ (a) Rules and regulations necessary to carry out the
 5 act;

6 ~~(c)~~ (b) Any adjustments in the surcharge amount to
 7 recommend to the Legislature; and

8 ~~(d)~~ (c) The resolution of any disputes between public
 9 safety answering points and wireless carriers.

10 (2) The commission may approve and implement any
 11 recommendations of the advisory board.

12 Sec. 10. Section 86-464, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 86-464 A public safety answering point may enter into
 15 a service agreement with one or more wireless carriers. The
 16 commission shall determine the most efficient method administrative
 17 and organizational methods for providing enhanced wireless 911
 18 service. Such methods shall be competitively and technologically
 19 neutral.

20 Sec. 11. Section 86-465, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 86-465 (1) The commission shall, in consultation with the
 23 advisory board:

24 (a) Determine the costs necessary to implement wireless
 25 automatic location identification, and maintain both Phase I and

1 Phase II E-911 services;

2 ~~(b) Determine the level of funding needed to trigger~~
3 ~~disbursements pursuant to the Enhanced Wireless 911 Services Act;~~

4 ~~(e) (b) Determine the percentage of the fund to be~~
5 ~~allocated to each funding purpose, including the percentage that~~
6 ~~shall be designated for funding 911 service under subdivision~~
7 ~~(2)(e) of this section; established under subsection (2) of this~~
8 ~~section;~~

9 ~~(d) (c) Determine how the funds distributed under~~
10 ~~subdivisions (2)(a) and (2)(e) (2)(b) of this section are to be~~
11 ~~allocated in a competitively and technologically neutral manner~~
12 ~~among the wireless carriers and the public safety answering points.~~
13 The commission shall allocate at least fifty percent of the total
14 amount of the funding available to wireless carriers to recover
15 their eligible costs unless during the calendar quarter during
16 which such eligible costs were submitted the total of all such
17 eligible costs submitted for funding by all wireless carriers
18 seeking funding is less than fifty percent of the available funding
19 from the fund for all eligible purposes established in subsection
20 (2) of this section; and

21 ~~(e) (d) Establish a competitively and technologically~~
22 ~~neutral mechanism for determining the level of funding available to~~
23 ~~each public safety answering point and wireless carrier for costs~~
24 ~~determined to be eligible by the commission under subsection (2) of~~
25 ~~this section. Such mechanism shall credit the following against the~~

1 eligible costs submitted for funding:

2 (i) For public safety answering points, all amounts
3 collected from wireless carriers or subscribers of wireless
4 carriers through occupation taxes and other taxes used for the
5 purpose of paying, directly or indirectly, the eligible costs of
6 public safety answering points to implement and maintain enhanced
7 wireless 911 service; and

8 (ii) For wireless carriers, all amounts collected through
9 surcharges from the subscribers of such wireless carriers, other
10 than the surcharge established pursuant to section 86-457, for the
11 payment of eligible costs for implementing and maintaining enhanced
12 wireless 911 service.

13 (2) The commission shall, in consultation with the
14 advisory board, establish eligibility standards and criteria
15 for fund disbursement applications and standards and criteria
16 concerning the level of fund disbursement for each application.
17 ~~In establishing such criteria and standards, the following~~ The
18 purposes for which funding may be eligible ~~for funding~~ include,
19 but are not limited to, the following:

20 (a) Costs incurred or to be incurred by wireless carriers
21 to implement and maintain enhanced wireless 911 service pursuant
22 to a service agreement with a public safety answering point
23 or pursuant to a request for service from a public safety
24 answering point. Such costs may include, but not be limited
25 to, the portion of the costs for new equipment used for providing

1 enhanced wireless 911 service, costs to lease another vendor's
2 equipment or services to provide enhanced wireless 911 service,
3 costs to create or maintain any data base or data base elements
4 used solely for enhanced wireless 911 service, and other costs
5 of establishing enhanced wireless 911 service. The portion of the
6 costs of equipment or services used in the wireless carrier's main
7 infrastructure resulting in revenue to the wireless carrier is not
8 eligible for funding; and

9 (b) Costs incurred or to be incurred by public safety
10 answering points to implement and maintain enhanced wireless 911
11 service ~~may include,~~ including, but not be limited to, purchases
12 of new equipment, costs of upgrades, modification and personnel
13 training used solely to process the data elements of enhanced
14 wireless 911 service, and maintenance costs and license fees for
15 new equipment, and the purchase, installation, maintenance, and
16 operation of telecommunications equipment and telecommunications
17 services required for the provision of enhanced wireless 911
18 service.

19 ~~(c) Costs incurred or to be incurred by public safety~~
20 ~~answering points for the purchase, installation, maintenance, and~~
21 ~~operation of telecommunications equipment and telecommunications~~
22 ~~services required for the provision of enhanced wireless 911~~
23 ~~service; and~~

24 ~~(d) Expenses incurred by members of the advisory board~~
25 ~~while performing duties required by the act.~~

1 (3) A wireless carrier receiving funds from the Enhanced
2 Wireless 911 Fund shall not directly assess any of the costs
3 associated with the implementation or provision of enhanced
4 wireless 911 service to any public safety answering point, county,
5 or municipality without the express consent of the commission.

6 (4) The commission shall have any powers necessary to
7 carry out the intent and purposes of the act- Enhanced Wireless 911
8 Services Act.

9 Sec. 12. Section 86-466, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 86-466 (1) A public safety answering point and wireless
12 carrier may be compensated for costs determined by the commission
13 to be eligible for funding. The level of funding available
14 to each public safety answering point and wireless carrier for
15 eligible cost compensation may be limited based upon the mechanism
16 established by the commission pursuant to section 86-465. ~~The~~
17 ~~commission is not required to provide compensation for costs to~~
18 ~~more than one public safety answering point in any county.~~ A
19 public safety answering point or wireless carrier may apply for
20 disbursement from the Enhanced Wireless 911 Fund by submitting a
21 written application to the commission. The commission shall receive
22 and review applications, including supporting documentation. The
23 commission shall notify each applicant as to the commission's
24 approval or disapproval of the application.

25 (2) The commission is not required to provide

1 compensation for costs to more than one public safety answering
2 point in any county.

3 ~~(2)~~ (3) Each entity that receives disbursements from the
4 fund shall make a full accounting of the money in a manner and form
5 prescribed by the commission.

6 Sec. 13. Original sections 86-442, 86-443, 86-461,
7 86-462, 86-464, 86-465, and 86-466, Reissue Revised Statutes of
8 Nebraska, are repealed.